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In re Application of :  
MULLER, Jurgen, et al. :  
PCT No.: PCT/DE98/02765 : DECISION ON  
U.S. Application No.: 09/508,934 : PETITION  
International Filing Date: 17 September 1998 :  
Priority Date: 17 September 1997 :  
Attorney's Docket No.: TRW 2 256 :  
For: STATOR AND STATOR WINDING METHOD FOR A :  
BRUSHLESS DIRECT-CURRENT MOTOR :  
:

This decision is issued in response to the "Petition For Withdrawal Of Notice Of Abandonment" filed 09 July 2001. No petition fee is required.

### **BACKGROUND**

On 17 September 1998, applicant filed international application PCT/DE98/02765 which claimed a priority date of 17 September 1997 and which designated the United States. On 25 March 1999, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

On 15 April 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. As a result, the deadline for payment of the basic national fee was thirty months from the priority date, i.e., 17 March 2000.

On 17 March 2000, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 08 May 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that applicant was required to submit an executed oath or declaration in compliance with 37 CFR 1.497 and the \$130 surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification also informed applicant that the failure to submit these materials within one month of the date of the Notification would result in abandonment of the application.

On 29 May 2001, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application is abandoned with respect to the United States for failure to properly respond to the Notification Of Missing Requirements.

On 09 July 2001, applicant filed the petition considered herein. The petition asserts that applicants submitted a timely and proper response to the Notification Of Missing Requirements on 02 June 2000. Attached to the petition is a copy of the response, including an executed declaration, and a copy of a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 02 June 2000.

### DISCUSSION

Based on applicants' statements, the stamped return postcard, and internal USPTO records which confirm receipt of the \$130 surcharge payment on 02 June 2000, it is concluded that the "Response To Notification Of Missing Requirements" attached to the present petition, including the executed declaration and the surcharge payment, were originally filed on 02 June 2000 as a timely response to the Notification Of Missing Requirements mailed 08 May 2000. Accordingly, the Notification Of Abandonment mailed on 29 May 2001, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

A review of the declaration filed on 02 June 2000 reveals that it is in compliance with 37 CFR 1.497.

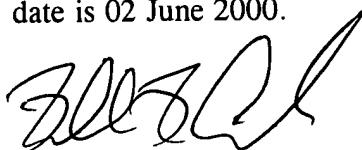
### CONCLUSION

Applicants' "Petition For Withdrawal Of Notice Of Abandonment" is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed on 29 May 2001 is hereby **VACATED**.

The "Response To Notification Of Missing Requirements" attached to the present petition, including the executed declaration and the surcharge payment, are treated as having been originally filed on 02 June 2000

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 02 June 2000.



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